

AMA Highways Technical Note

Response to Highways Comments from Barnsley Metropolitan Borough Council

Planning Reference - 2020/1221

Land South of New Smithy Avenue, Thurlstone

20th December 2021

Introduction

This Highways Technical Note has been prepared by Andrew Moseley Associates in response to highways comments from Barnsley Metropolitan Borough Council (BMBC) dated 8th December 2021.

At no point prior during the consideration of the application had BMBC officers raised any concerns about the proposed quantum of development in highways safety terms.

There is a single point of objection, in that BMBC Highways now consider the proposals to be a 'highways safety risk' based upon their interpretation of two (conjoined) appeal decisions (references APP/R4408/W/20/3263535 & APP/R4408/W/20/3263538)

Our comments seeking to address this point of objection are provided below and we request further consideration of this is made by BMBC Highways prior to determination of the application.

BMBC Objection

Paragraph 17 of Appeal Decisions APP/R4408/W/20/3263538, APP/R4408/W/20/3263535 states (when referring to the extant outline planning permission for the site):

'Planning permission for residential development on the site was granted in outline subject to a number of conditions, including condition 12 that states "the site shall be developed for a maximum of 21 dwellings" in the interests of highways safety.'

This section of the Inspector's decision was dedicated to considering whether the reserved matters that were the subject of that appeal were consistent with the outline planning permission, as indicated by the subheading ahead of Paragraph 17. It did not consider the acceptability (or otherwise) of a proposal to deliver additional development beyond the 21 units previously consented.

This conclusion is further supported by the final paragraph in that section of the Inspector's decision letter (Paragraph 24) whereby he concludes on the matter of consistency with the outline permission and identifies other harm that he considers would arise from that proposal. Notably, there is no mention of highway safety at Paragraph 24.

However, BMBC now consider that the 28 units proposed under this application are in excess of that acceptable to the Planning Inspectorate on the basis of this paragraph and text (paragraph 61) in the outline appeal decision which states::

"A condition requiring the provision of a parking layby on New Smithy Avenue and conditions to specify the number of dwellings, provide on-site parking, manoeuvring and visibility spays are required in the interests of highway safety".

Applicants Response

It is our opinion that BMBC Highways interpretation of the Inspector's statement is over simplified, with BMBC concluding that the statement sets in stone that 21 dwellings is the maximum number that can ever be achieved on site without this impacting upon 'highways safety'.

We consider this to simply be a statement by the Inspector confirming the quantum of development sought and allowed by the extant outline planning permission for the site (ref APP/R4408/W/17/3188501) and has no bearing on the acceptable quantum of development on site in relation to highways safety (or any other matters) in the context of a separate, full planning application which ought to be considered on its own merits.

We note that BMBC Highways raised no objection previously on application 2019/0690 when proposed at 30 dwellings, with the planning officer (Laura Bennett) confirming on the 1st August 2019 that there were no objections to the proposal on highways grounds. This was further detailed in the Officers' Report to Planning Committee.

Therefore we assume that BMBC Highways recent objection solely relies upon their interpretation of the Inspector's statement, rather than any technical or empirical evidence which would support their conclusion that the 28 dwelling proposal would result in a highways safety risk.

As part of the planning submission for 2020/1221, AMA submitted a Transport Statement in March 2021. This confirmed that in the last five years of accident data available, that no accidents had occurred within the vicinity of the site, with only two accidents occurring. Both were on Manchester Road and not located at the Manchester Road / Towngate junction.

This data has also been revisited and updated to mid-December 2021 and confirms that these two accidents are the only ones to have occurred in the last five and a half years.

On this basis, there cannot be considered to be existing highways safety risk between the site and Manchester Road, or the Manchester Road junction, as has been found to be the case supported by the previous appeal decision (APP/R4408/W/17/3188501).

We also note that the LPA have safeguarded land to the west of the proposed application site and sought to ensure that the internal road through the site will provide a connection with/route through to this land from New Smithy Avenue. This is further confirmation of the LPA and LHA's view that additional development beyond the 21 units already permitted at the site can be accommodated on the local highway network, via New Smithy Avenue.

For perspective, the proposed 'uplift' of 7 dwellings beyond the extant consented 21 units would result in approximately four additional trips in the AM and PM Peak hours, equating to an additional movement every 15 minutes on an area of the local highway network where there is no history of accidents.

This level of uplift cannot be considered to be a severe impact in highways capacity terms, nor (with the mitigation the scheme proposes) an increase in highways safety risk as a result of the proposals.

Conclusion

This Highways Technical Note provides responses to the comments received along with additional information where appropriate.

In conclusion, the information provided within this Note demonstrates that the proposed development is acceptable in highways terms.

We therefore request that the LHA and Highways Officer considers the content of this note and reconsider their current position of objection as this is not considered to be justified.